

## **REMARKS**

### **Status of Claims**

The Office Action mailed 08 February 2007 has been received and reviewed. Each of claims 1, 3-20, 30, 32-35, and 43-45 stand rejected. Reconsideration and allowance of the present application in view of the following remarks is respectfully requested.

### **Rejections under 35 U.S.C. §103(a)**

#### **A.) Applicable Authority**

The basic requirements of a *prima facie* case of obviousness are summarized in MPEP § 2143 through § 2143.03. In order “[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success [in combining the references]. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Further, in establishing a *prima facie* case of obviousness, the initial burden is placed on the Examiner. “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 USPQ 972, 972, (Bd. Pat App. & Inter. 1985).” *Id.* See also MPEP §706.02(j) and §2142.

#### **B.) Obviousness Rejections Based on U.S. Patent No. 6,330,552 (Farrar) in view of U.S. Patent No. 7,020,621 (Feria).**

Claims 1, 3-4, 7-10, 13-20, 30, 32-35, and 43-45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Farrar in view of Feria. This rejection is respectfully traversed for the reasons discussed below.

With respect to independent claims 1, 33, and 44 the prior art, including Farrar and FERIA, fails to teach or suggest, among other things, “determining a monetary cost to a provider for each resource and determining the monetary cost for the computer transaction based on a total monetary service provider cost for each utilized resource.”

The Office relies on Farrar in combination with FERIA to render independent claims 1, 33, and 44 unpatentable. Applicant respectfully disagrees. Farrar in combination with FERIA fails to disclose all elements as defined in independent claims 1, 33, and 44.

Farrar and FERIA, singularly and in combination, fail to teach or suggest, among other things, monetary cost for a computer transaction. Farrar at col. 1, lines 50-55 teaches, in database parlance, “cost” is usually measured in terms of computer resources utilized by the computer in executing the SQL statement, for example, the number of I/O’s or CPU instructions. Further, Farrar at col. 2, ll. 20-21 teaches “cost” also includes time to return results to a query. Farrar at col. 3, ll. 20-30 defines “cost” to consist of resource vectors that include CPU instructions, number of disk seeks, kilobytes of I/O transfers, normal and persistent memory utilized, etc. Nothing in Farrar teaches or suggests the claimed “monetary costs.” Rather, Farrar at col. 5, ll. 27-67 and col. 6, ll. 25-61 teaches values associated with the resource vector are utilized to calculate CPU elapsed time, I/O elapsed time, and message elapsed time. Farrar fails to teach or suggest the claimed “monetary cost” as defined by claims 1, 33, and 40.

Unlike Farrar, FERIA does not define cost in database parlance. Rather, FERIA at col. 4, ll. 60-61 defines cost in terms of capital expenditures. FERIA at col. 1, ll. 40-42 teaches a method to determine the capital expenditure per user of an information technology system. FERIA at col. 1, ll. 15-20 and col. 4, ll. 15-20 teaches calculating the total cost of ownership based on the capital expenditure for each user. However, nothing in FERIA or Farrar, singularly or in combination, teaches or suggest determining a monetary cost for a computer transaction based on a total monetary service provider cost for each resource utilized when executing the computer transaction.

Unlike FERIA and Farrar, the invention of claims 1, 30, and 44 requires, among other things, determining a monetary cost to a provider for each resource and determining the monetary cost for the computer transaction based on a total monetary service provider

cost for each utilized resource. Feria and Farrar, fails to teach or suggest the claimed monetary cost for the computer transaction. Accordingly, the 35 U.S.C. § 103 rejection of claims 1, 33, and 44 should be withdrawn.

Dependent claims 3-4, 7-10, 13-15, 18-20, 32-35, 43, and 45 further define novel features of the claimed embodiments and each depend, either directly or indirectly, from one of independent claims 1, 30, and 44. Accordingly, for at least the foregoing reasons with respect to independent claims 1, 30, and 44, dependent claims 3-4, 7-10, 13-15, 18-20, 32-35, 43, and 45 are believed to be in condition for allowance by virtue of their dependency. 37 C.F.R. 1.75(c). As such, withdrawal of the 35 U.S.C. § 103 rejection of dependent claims 3-4, 7-10, 13-15, 18-20, 32-35, 43, and 45 is respectfully requested.

C.) Obviousness Rejections Based on Farrar in view of Feria and further in view of U.S. Patent No. 5,822,750 (Jou).

Claims 5-6, 11-12, 16, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Farrar in view of Feria as applied to claim 1 above, and further in view of Jou. This rejection is respectfully traversed.

Dependent claims 5-6, 11-12, 16, and 17 further define novel features of the claimed embodiments and each depend, either directly or indirectly, from independent claim 1. Accordingly, for at least the foregoing reasons with respect to independent claim 1, dependent claims 5-6, 11-12, 16, and 17 are believed to be in condition for allowance at least by virtue of their dependency. 37 C.F.R. 1.75(c). As such, withdrawal of the 35 U.S.C. § 103(a) rejection of dependent 5-6, 11-12, 16, and 17 is respectfully requested.

**CONCLUSION**

As set forth above, Applicant respectfully submits that all pending claims are in condition for allowance. Applicant respectfully requests that this application be allowed and passed to issue. Should, however, any issues remain prior to issuance of this application, the Examiner is urged to contact the undersigned to resolve the same. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112 referencing Attorney Docket No. MFCP.70154.

Respectfully submitted,

Date: May 8, 2007

/Monplaisir Hamilton/

\_\_\_\_\_  
Monplaisir Hamilton  
Reg. No. 54,851

SHOOK, HARDY & BACON L.L.P.  
600 14<sup>th</sup> Street, N.W.  
Suite 800  
Washington, DC 20005-2004  
Phone: (202) 783-8400